

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JAMES J. HAYES, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

HARMONY GOLD MINING COMPANY  
LIMITED, BERNARD SWANEPOL, and  
NOMFUNDO QANGULE,

Defendants.

Electronically Filed

No. 1:08-cv-03653-BSJ-MHD

(ECF Case)

**CERTIFICATE OF SERVICE**

I, Evan J. Smith, hereby certify that on July 3, 2008, the following document was electronically filed with the Clerk of Court using the CM/ECF system and served on all parties on the below service list via transmission U.S. First Class Mail, postage prepaid.

1. Notice of Non-Opposition to the Motion of James J. Hayes For Appointment As Lead Plaintiff and Approval of Lead Plaintiff's Choice of Counsel

/s/ Evan J. Smith, Esquire (ES3254)  
Evan J. Smith (ES3254)

Legal Department  
c/o Harmony Gold Mining Co. Ltd.  
PO Box 2  
Randfontein  
1760  
SOUTH AFRICA

Bernard Swanepol  
c/o Harmony Gold Mining Co. Ltd.  
PO Box 2  
Randfontein  
1760  
SOUTH AFRICA

Nomfundo Qangule  
c/o Harmony Gold Mining Co. Ltd.  
PO Box 2  
Randfontein  
1760  
SOUTH AFRICA